

House Civil Justice Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 566*

House Bill No. 676

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 26-2-301(a), is amended by deleting the language "five thousand dollars (\$5,000)" wherever it appears and substituting instead "thirty-five thousand dollars (\$35,000)", and by deleting "seven thousand five hundred dollars (\$7,500)" and substituting instead "fifty-two thousand five hundred dollars (\$52,500)".

SECTION 2. Tennessee Code Annotated, Section 26-2-301, is amended by deleting subsections (e) and (f).

SECTION 3. Tennessee Code Annotated, Section 26-2-304, is amended by deleting the language "five thousand dollars (\$5,000)" and substituting instead "thirty-five thousand dollars (\$35,000)".

SECTION 4. Tennessee Code Annotated, Section 26-2-309, is amended by deleting the language "five thousand dollars (\$5,000)" wherever it appears and substituting instead "thirty-five thousand dollars (\$35,000)".

SECTION 5. This act takes effect January 1, 2022, the public welfare requiring it.



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Amendment No.

Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 1334

House Bill No. 902*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act is known and may be cited as the "Second Amendment Privacy and Protection Act of 2021."

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section:

39-17-1367.

(a)

(1) A state or local government entity, official, employee, or agent shall not make or maintain any record, database, registry, or collection of records that records, with respect to any individual or non-governmental entity, the ownership or possession of any firearm, antique firearm, ammunition, ammunition component, weapon, or firearm accessory.

(2) A violation of subdivision (a)(1) is a Class E felony.

(b)

(1) A state or local government entity, official, employee, or agent shall not transmit to any federal government entity, official, employee, or agent any record, database, registry, or collection of records that records, with respect to any individual or non-governmental entity, the ownership or possession of any firearm, antique firearm, ammunition, ammunition component, weapon, or firearm accessory.

(2) A violation of subdivision (b)(1) is a Class E felony.



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(c) It is an exception to subsection (a) and (b) that:

(1) The record was required to be kept and maintained under § 39-17-1316 with respect to the sale or purchase of a firearm from a licensed dealer and any related background check;

(2) The record is specifically required to be kept and maintained under a state statutory requirement regarding a registry of stolen firearms. The registry must not be a public record, the contents of the registry must not be publicly available, and any record must be destroyed within thirty (30) days of the firearm being recovered and returned to the owner;

(3) The record is maintained as a result of a state statutory requirement concerning taking possession of or cataloguing evidence or contraband. Any such record must only be made or maintained with respect to an active criminal investigation or prosecution and only with respect to the individual being investigated or prosecuted; or

(4) The record is specifically required by § 39-17-1351, § 39-17-1365, or § 39-17-1366.

(d) A violation of subsection (a) or (b) may result in a civil action, under § 39-17-1314(g)–(i).

(e) A violation of subsection (a) or (b) by a state or local government official, employee, or agent may also be punished as official oppression pursuant to § 39-16-403.

(f)

(1) A state or local employee who violates subsection (a) or (b) must be terminated by the employing state or local agency. This subsection (f) does not prevent an employee from receiving any due process otherwise required by law.

(2) A state or local entity that does not terminate an employee as required by subdivision (f)(1) must not receive funding from the state for the

following fiscal year and any subsequent fiscal year during which the employee continues to be employed by the entity.

(g) This section does not preclude any person or non-governmental entity from seeking any remedies, penalties, or procedures otherwise provided by law.

SECTION 3. Tennessee Code Annotated, Section 39-17-1314(g), is amended by deleting the subsection and substituting:

(1)

(A) Notwithstanding title 29, chapter 20; title 9, chapter 8; and § 20-13-102, a party may file an action in a court of competent jurisdiction against any of the persons or entities listed in subdivisions (g)(1)(A)(i) and (ii), if the party is adversely affected by:

(i) An ordinance, resolution, policy, rule, or other enactment that is adopted or enforced by a county, city, town, municipality, or metropolitan government or any local agency, department, or official that violates this section; or

(ii) The creation, maintenance, or transmission of a record, database, registry, or collection of records, in violation of § 39-17-1367, by a state or local government entity, official, employee, or agent.

(B) The adversely affected party may seek:

(i) Declaratory and injunctive relief; and

(ii) Damages, as provided in subsection (i).

(2) This subsection (g) shall apply to any ordinance, resolution, policy, rule, or other enactment that is adopted or enforced on or after July 1, 2017, or any record, database, registry, or collection of records that is made, maintained, or transmitted on or after July 1, 2021.

SECTION 4. Tennessee Code Annotated, Section 39-17-1314(h)(1)(C), is amended by deleting the subdivision and substituting:

(C) Is or was subject to the ordinance, resolution, policy, rule, or other enactment or was included as an entry on a record, database, registry, or collection of records, that is the subject of an action filed under subsection (g). An individual is or was subject to the ordinance, resolution, policy, rule, or other enactment if the individual is or was physically present within the boundaries of the political subdivision for any reason; or

SECTION 5. Tennessee Code Annotated, Section 39-17-1314(i), is amended by deleting the language "county, city, town, municipality, or metropolitan government" and substituting:

county, city, town, municipality, metropolitan government, or state or local government entity

SECTION 6. Tennessee Code Annotated, Section 39-17-1314(i)(1)(A), is amended by deleting the language "ordinance, resolution, policy, rule, or other enactment" and substituting:

ordinance, resolution, policy, rule, enactment, record, database, registry, or collection of records

SECTION 7. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 8. This act takes effect July 1, 2021, the public welfare requiring it.

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Signature of Sponsor

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Comm. Amdt. _____

AMEND Senate Bill No. 452

House Bill No. 409*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by deleting the section and substituting:

(a) By February 1 of each year, the department of safety shall report to the speakers of the senate and the house of representatives, chair of the judiciary committee of the senate, chair of the civil justice committee of the house of representatives, chair of the criminal justice committee of the house of representatives, and to the public on the department's website, a report detailing, for the previous calendar year:

- (1) The total number of seizure cases opened by the department;
- (2) The race, gender, age, and zip code of the property owner's residence;
- (3) The number of seizure cases in which an arrest was made at the time of seizure;
- (4) The number of arrests that occurred after the seizure notice was sent to the department of safety;
- (5) The total number of cases resulting in forfeiture;
- (6) The types of property seized under this part and the totals of each type;
- (7) The amount of currency seized;
- (8) The amount of currency forfeited;



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(9) The total number of cases which resulted in a default by the property owner;

(10) The total amount of currency, including the mean and median amounts, forfeited as a result of default;

(11) The total value amount of property, including the mean and median amounts, forfeited as a result of default;

(12)

(A) The total number of cases which resulted in a settlement; and

(B) The mean and median amount of time for cases from the date opened to the date of settlement;

(13) The total amount of currency, including the mean and median amounts, forfeited as a result of settlement;

(14) The total value of property, including the mean and median values, forfeited as a result of settlement;

(15) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of settlement;

(16) The total value of property, including the mean and median values, returned to the property owner as a result of settlement;

(17) The total number of cases resulting in a hearing;

(18) The total number of hearings resulting in forfeiture of assets, including:

(A) The mean and median amounts of time for cases from the date opened to the date of forfeiture of assets as a result of a disposition by hearing; and

(B) The mean and median amounts of time for cases from the date opened to the date assets were returned to the property owner as a result of a disposition by hearing;

(19) The total amount of currency, including the mean and median amounts, forfeited as a result of a disposition by hearing;

(20) The total value of property, including the mean and median values, forfeited as a result of a disposition by hearing;

(21) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of a disposition by hearing;

(22) The total value of property, including the mean and median values, returned to the property owner as a result of a disposition by hearing; and

(23) How proceeds derived from forfeited assets are used by the department.

(b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.

(c) The information reported by the department in subdivision (a)(23) and to the department pursuant to § 40-33-211(a)(2) must be made accessible to the public on the department's website through a prominent link provided on the home page.

SECTION 2. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.

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AMEND Senate Bill No. 1606

House Bill No. 697*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-20-102(3), is amended by adding the following as a new subdivision:

(D) "Governmental entity" also means a nonprofit property owners association that has received a determination of exemption from the internal revenue service under the Internal Revenue Code § 501(c)(4), codified in 26 U.S.C. § 501(c)(4), and:

- (1) Maintains more than one hundred (100) miles of roadway;
- (2) Owns and operates a water or sewer distribution service;
- (3) Appropriates funds to support a nonprofit volunteer fire department or a police department;
- (4) Manages trash pick-up services; and
- (5) Funds, operates, and maintains at least one (1) park, recreation facility, walking trail, and dog park.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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